

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Anthony Leon Campbell,)
)
Plaintiff,)
)
vs.)
)
Paul Othoff, Commander Ward County Jail)
Operations and Manager for Turnkey,)
Corrections at Ward County Jail; Turnkey)
Correction, Inc.; Steve Kukowski, Sheriff)
of Ward County Jail Facility; Leann)
Bertsch, Director of Department of)
Corrections)
)
Defendants.)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 4:15-cv-143

The Plaintiff, Anthony Campbell, is an inmate at the Ward County Jail in Minot, North Dakota. On November 2, 2015, Campbell initiated a *pro se* civil rights action alleging the prices charged in the Ward County Jail's commissary are excessive because they are greater than what persons outside the facility would have to pay for the same items on the open market. See Docket No. 7. Defendant Leann Bertsch filed a motion to dismiss on November 30, 2015. See Docket No. 15.

After screening the complaint as required by 28 U.S.C. § 1915(e)(2), Magistrate Judge Charles S. Miller, Jr. issued a Report and Recommendation on February 17, 2016, in which he recommended that Defendant Leann Bertsch's motion to dismiss as to her be granted, Plaintiff's complaint be otherwise dismissed in its entirety for failure to state a claim, and the dismissal be without prejudice with respect to Campbell's claims of antitrust violation and with prejudice with respect to his equal protection claim. See Docket No. 19. Because Campbell is incarcerated, the

time for filing objections to the report was extended until March 17, 2016. An objection to the Report and Recommendation was filed on March 11, 2016. See Docket No. 20.

The Court has carefully reviewed Judge Miller's Report and Recommendation, the objection to the Report and Recommendation, the relevant case law, and the entire record, and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 19) in its entirety, **GRANTS** Defendant Bertsch's motion to dismiss as to her (Docket No. 15), and **DISMISSES** Plaintiff's complaint in its entirety for failure to state a claim. The dismissal shall be without prejudice with respect to Plaintiff's claims of antitrust violation and with prejudice with respect to his equal protection claim.

IT IS SO ORDERED.

Dated this 17th day of March, 2016.

/s/ Daniel L. Hovland
Daniel L. Hovland, District Judge
United States District Court